## REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims 1-23 and 29-43 were previously pending in this application. Within the Office Action, Claims 1-23 and 29-43 have been rejected. By the above amendments, Claims 1, 21 and 29 have been amended. Accordingly, Claims 1-23 and 29-43 are currently pending.

### Rejections Under 35 U.S.C. § 102

*Claims 21 and 22*

Within the Office Action, Claims 21 and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,119,165 to Li et al. (hereafter "Li").

Li teaches a software patch/library agent in which the proxy server contains a program which searches the Internet/Intranet for various latest software packages available. [Li, col. 6, lines 1-9] Specifically, Li teaches that when a user connects to the proxy server, the versions of the software on his particular client platform are compared to the latest versions of this software stored on the proxy server. If there is a newer software package or patch available, the user of each client is prompted to download that newer version. [Li, col. 6, lines 1-9] Unlike the presently claimed invention, Li does not teach that the proxy server receives the latest version from the distribution server in order to compare the latest version with the version of the software on the client platform. Since a reference must teach every element of a claim for a rejection under 35 U.S.C. §102 to be proper, clearly, the rejection of the claimed invention based on Li is improper since Li does not teach every element of the claimed invention.

The independent Claim 21 is directed to a content distribution system. The content distribution system of Claim 21 comprises a distribution server configured to transmit content, wherein the content comprises a server version, a hand held device comprising a device version, wherein the hand held device is configured to receive the content and an electronic proxy device comprising a version identifier, wherein the electronic proxy device is configured to receive the device version from the hand held device and the server version from the distribution server, and is further configured to compare the server version with the device version, and if the server version is greater than the device version, to download the content from the distribution server and to transmit the content to the hand held device. As discussed above, Li does not teach that the electronic proxy device is configured to receive the device version from the hand held device

and the server version from the distribution server. For at least these reasons, the independent Claim 21 is allowable over Li.

Claim 22 is dependent on the independent Claim 21. As described above, the independent Claim 21 is allowable over Li. Accordingly, Claim 22 is also allowable as being dependent on an allowable base claim.

*Claims 29, 30 and 32-34*

Within the Office Action, Claims 29, 30 and 32-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,493,748 to Nakayama et al. (hereafter "Nakayama").

Nakayama teaches contents on a server that need not be updated for a fixed period of time are recorded directly in a medium, and desired contents in a local device can be accessed by the same operation procedure as that for accessing the server storing the contents. [Nakayama, Abstract] The server computer includes delivery information storing means for storing delivery information to be delivered through the network and a server-side control file in which attribute information of the delivery information is registered, and a server for delivering information stored in the delivery information stored in the delivery information storing means. [Nakayama, col. 3, lines 23-29] The local computer includes duplicate information storing means which stores duplicate information corresponding to the delivery information in the delivery information storing means and a local-side control file in which are registered location information indicative of a location within the delivery information storing means where the duplicate information existed and attribute information of the duplicate information. The local computer has a request relaying means which acquires the server-side control file and the local side control file, compares the attribute information of the requested delivery information with the attribute information of the duplicative information, and determines information to be acquired in accordance with the result of comparison. [Nakayama, col. 3, lines 30-47]

Nakayama teaches that the control file for the local computer consists of a plurality of files including an integration file as a principal file. The integration file has its version described therein and a set of information consisting of "HOSTNAME", "DOCUMENT BASE DIRECTORY NAME", "SERVER-SIDE CONTROL FILE NAME" and a plurality of "MANAGEMENT FILE NAME LIST FILES". [Nakayama, col. 6, lines 54-64] The control file also has management file name list files created for each of the contents. [Nakayama, col. 7, lines 6-7]

The control file on the side of the server computer also has a set of an integration file and management file name list files. The integration file has its version described therein and a set of information including "HOSTNAME", a plurality of "DOCUMENT BASE DIRECTORY NAMES", and a plurality of "MANAGEMENT FILE NAME LIST FILES". The management file name list file has contents similar to those of the management file name list file of the local computer side [Nakayama, col. 7, lines 14-25]

However, Nakayama does not teach a server content identification circuit is configured to transmit a first signal representative of a version identifier. Instead, Nakayama teaches that the entire server-side control file is acquired. [Nakayama, col. 8, lines 23-24] As discussed above, the server-side control file includes not just the version but a plurality of files. Further, Nakayama does not teach a subscriber content identification circuit is configured to generate a second signal representative of a subscriber version identifier. Instead, Nakayama teaches that the entire control file for the local computer is acquired. [Nakayama, col. 7, lines 47-48] As discussed above, the control file for the local computer includes not just the version but a plurality of files. In contrast to Nakayama, the presently claimed invention teaches that the server content identification circuit is configured to transmit a first signal representative of a version identifier, and that the subscriber content identification circuit is configured to generate a second signal representative of a subscriber version identifier. The version identifier, as taught in the present specification, is not a plurality of files, but comprises a version number or a data and time stamp. Therefore, Nakayama does not teach that the server content identification circuit is configured to transmit a first signal representative of a version identifier, or that the subscriber content identification circuit is configured to generate a second signal representative of a subscriber version identifier.

The independent Claim 29 is directed to a content subscription system. The content subscription system of Claim 29 comprises a server, a subscriber, a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber and a content control circuit configured to transmit the first content to the subscriber content identification circuit in response to the second signal. As discussed above, Nakayama does not teach that the

server content identification circuit is configured to transmit a <u>first signal representative of a version identifier</u>, or that the subscriber content identification circuit is configured to generate a <u>second signal representative of a subscriber version identifier</u>. For at least these reasons, the independent Claim 29 is allowable over Nakayama.

Claims 30 and 32-34 are dependent on the independent Claim 29. As described above, the independent Claim 29 is allowable over Nakayama. Accordingly, Claims 30 and 32-34 are all also allowable as being dependent on an allowable base claim.

## Rejections Under 35 U.S.C. § 103

*Claims 1-14, 18, 19, 35-39 and 41-43*

Within the Office Action, Claims 1-14, 18, 19, 35-39 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama.

Nakayama does not teach <u>transmitting the version number</u> from the syndicator to the subscriber. Instead, Nakayama teaches that the entire server-side control file is acquired. [Nakayama, col. 8, lines 23-24] As discussed above, the server-side control file includes not just the version but a plurality of files. Therefore, Nakayama does not teach <u>transmitting the version number</u> from the syndicator to the subscriber.

The independent Claim 1 is directed to a version based content distribution system. The version based content distribution system of Claim 1 comprises content comprising a version number, a syndicator, wherein the syndicator is configured to transmit the version number, subscriber content comprising a subscriber content version number and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator if the version number is larger than the subscriber content version number. As discussed above, Nakayama does not teach that the syndicator is configured to <u>transmit the version number</u>. For at least these reasons, the independent Claim 1 is allowable over Nakayama.

Claims 2-14, 18 and 19 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent on an allowable base claim.

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored within a subscriber, transmitting the version

number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As discussed above, Nakayama does not teach transmitting the version number from the syndicator to the subscriber. For at least these reasons, the independent Claim 35 is allowable over Nakayama.

Claims 36-39 and 41-43 are dependent on the independent Claim 35. As described above, the independent Claim 35 is allowable over Nakayama. Accordingly, Claims 36-39 and 41-43 are all also allowable as being dependent on an allowable base claim.

*Claims 1-14, 18, 19, 35-39 and 41-43*

Within the Office Action, Claims 1-14, 18, 19, 35-39 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent No. 7,117,482 to Nguyen et al. (hereafter "Nguyen").

Nakayama does not teach transmitting the version number from the syndicator to the subscriber. Instead, Nakayama teaches that the entire server-side control file is acquired. [Nakayama, col. 8, lines 23-24] As discussed above, the server-side control file includes not just the version but a plurality of files. Therefore, Nakayama does not teach transmitting the version number from the syndicator to the subscriber.

Nguyen teaches setting parameter values are migrated through a new software upgrade. [Nguyen, Abstract] Specifically, Nguyen teaches that when new software is loaded into flash memory of a set-top box, a version number of the new software is then determined. The version number of the new software is compared to a version number of the current software. [Nguyen, col. 9, lines 14-17] If the version number of the new software is higher than the version number of the current software, for each setting parameter value within a new map file, either a current setting parameter value stored in the NVRAM or a default value from the map file, is loaded into temporary memory. Once a value for each setting parameter is loaded into the temporary memory, the values from the temporary memory are then loaded into the NVRAM. [Nguyen, Abstract] As such, Nguyen does not teach that the subscriber receives content from the syndicator *if* the version number is larger than the subscriber content version number. Instead, Nguyen teaches that the new software is first loaded then a comparison of version numbers is

made. Further, Nguyen does not teach <u>transmitting the version number</u> from the syndicator to the subscriber.

Therefore, because neither Nakayama nor Nguyen teach <u>transmitting the version number</u> from the syndicator to the subscriber, their combination also cannot teach <u>transmitting the version number</u> from the syndicator to the subscriber. Thus, neither Nakayama, Nguyen nor their combination teach <u>transmitting the version number</u> from the syndicator to the subscriber.

Further, there is no hint, teaching or suggestion within either Nakayama or Nguyen that justifies their combination. Nakayama is directed to an information management system. [Nakayama, Field of the Invention]. Nguyen is directed to the migration of configuration data from one software installation through an upgrade. [Nguyen, Field of the Invention]. An information management system and the migration of configuration data are non-analogous art. More is required to justify the combination of two references. There is simply no hint, teaching or suggestion within either of these references that warrants or justifies their combination. Accordingly, the combination of Nakayama and Nguyen is improper and should be withdrawn.

The independent Claim 1 is directed to a version based content distribution system. The version based content distribution system of Claim 1 comprises content comprising a version number, a syndicator, wherein the syndicator is configured to transmit the version number, subscriber content comprising a subscriber content version number and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator if the version number is larger than the subscriber content version number. As discussed above, the combination of Nakayama and Nguyen is improper. As further discussed above, neither Nakayama nor Nguyen teach that the syndicator is configured to <u>transmit the version number</u>. For at least these reasons, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination.

Claims 2-14, 18 and 19 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent on an allowable base claim.

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored within a subscriber, transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein

the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As discussed above, the combination of Nakayama and Nguyen is improper. As further discussed above, neither Nakayama nor Nguyen teach <u>transmitting the version number</u> from the syndicator to the subscriber. For at least these reasons, the independent Claim 35 is allowable over Nakayama, Nguyen and their combination.

Claims 36-39 and 41-43 are dependent on the independent Claim 35. As described above, the independent Claim 35 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 36-39 and 41-43 are all also allowable as being dependent on an allowable base claim.

*Claims 15-17*

Within the Office Action, Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent No. 6,990,498 to Fenton et al. (hereafter "Fenton").

Claims 15-17 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 15-17 are all also allowable as being dependent on an allowable base claim.

*Claim 20*

Within the Office Action, Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of Li.

Claim 20 is dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claim 20 is also allowable as being dependent on an allowable base claim.

*Claim 23*

Within the Office Action, Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li.

Claim 23 is dependent on the independent Claim 21. As described above, the independent Claim 21 is allowable over Li. Accordingly, Claim 23 is also allowable as being dependent on an allowable base claim.

*Claims 31 and 40*

Within the Office Action, Claims 31 and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent Application No. 2001/0042073 to Saether et al. (hereafter "Saether").

Claims 31 and 40 are dependent on the independent Claims 29 and 35 respectively. As described above, the independent Claims 29 and 35 are allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 31 and 40 are both also allowable as being dependent on allowable base claims.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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